

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

NEW HEIGHTS FARM I, LLC, a Michigan
limited liability company, STACY BOERSEN,
NEW HEIGHTS FARM II, LLC, a Michigan
limited liability company, and NICHOLAS
BOERSEN,

Case No. 1:23-cv-663

Plaintiffs,

Hon.: Hala Y. Jarbour

v

GREAT AMERICAN INSURANCE COMPANY,
FEDERAL CROP INSURANCE CORPORATION, AND
UNITED STATES DEPARTMENT OF AGRICULTURE,

Defendants.

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**BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT
(Unopposed)**

Plaintiff Stacy Boersen owns New Heights Farm I, LLC (“NHF-I”). Plaintiff Nicholas Boersen is the sole owner and manager of New Heights Farm II, LLC (“NHF-II”). Plaintiffs commenced this action to recover crop insurance proceeds relating to their 2019 crop and related damages.

After filing the First Amended Complaint, counsel for Plaintiffs realized that the exhibits numbers referenced in the Complaint were not accurate. The reference to Exhibit 7 in ECF No. 9, PageID.770, Page 6 of 24, of the Complaint was misplaced, resulting in the subsequent exhibits to be one number off. Also, Exhibits 16-19 in the Complaint included a duplicate. The proposed Second Amended Complaint corrects the exhibit numbering and eliminates the duplicate.

FRCiv.P 15 (a)(2) provides:

- a. for leave to amend when consented to by the opposing party or by leave of Court and
- b. that leave should be freely given to when justice requires.

At this point Defendants have not responded to the Complaint. Only GAIC has appeared in this matter to date. Counsel for GAIC consents to leave to file the Second Amended Complaint as shown in the stipulation filed as ECF No. 21 filed on August 9, 2023.

Leave to allow the Second Amended Complaint will clear up confusion over the exhibits. Thus, Plaintiffs request that this Court grant them leave to file their Second Amended Complaint.

Dated: August 10, 2023

/s/ Ronald J. VanderVeen

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